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such sample and shall tender at the time of taking it to the manufacturer or vendor of such product, or to the person having the custody of the same, the value thereof and a statement in writing of the reason for taking such sample. The standards for food products of the Texas food and drug law are hereby adopted as a part of this article, and the methods of analysis authorized as official by the United States Department of Agriculture, in so far as they are applicable in the light of modern discovery and scientific research.

SEC. 168. *Certificate of purity, etc.*—It shall not be the duty of the city pathologist and chemist or his assistants while they hold office to furnish to any individual, firm, or corporation any certificate as to the purity or excellence of any article manufactured or sold to or by them to be used as food or drug or in the preparation of foods or drugs.

SEC. 169. *Annual report pathologist and chemist; contents.*—The city pathologist and chemist shall make an annual report to the mayor and city council at the end of the fiscal year, which report shall cover the entire work of his office for the preceding year and shall show, among other things, the number of manufactories and other places inspected and by whom, and the number of specimens of food and drug articles analyzed, and the number of complaints entered against any person or persons for the violation of the laws relative to the adulteration of foods and drugs, the number of convictions had and the amount of fines imposed therefor, together with such recommendations as his experience may justify.

SEC. 170. *Penalty.*—Any person, firm, or corporation who shall in any way violate any of the provisions of this article shall be deemed guilty of a misdemeanor and, upon conviction, shall be punished by a fine of not less than \$25 nor more than \$200.

Foodstuffs—Production, Care, and Sale. (Ord. Jan. 26, 1914.)

ART 19. SEC. 174. *Conditions, etc., of buildings, etc., used or occupied for certain purposes; meaning term "food."*—Every building, room, basement, or cellar occupied by or used as a bakery, confectionery, cannery, packinghouse, slaughterhouse, dairy, creamery, cheese factory, restaurant, hotel, grocery, meat market, or other place or apartment used for the preparation for sale, manufacture, packing, storing, sale, or distribution of any food, shall be lighted, drained, plumbed, and ventilated, and conducted with strict regard to the influence of such condition upon the health of the operatives, employees, clerks, or other persons therein employed, and the purity and wholesomeness of the food therein produced; and for the purpose of this chapter the term "food" as used herein shall include all articles used for food, drink, confectionery, or condiment, whether simple, mixed, or compound, and all substances or ingredients used in the preparation thereof.

SEC. 175. *Unclean, unhealthful, and insanitary conditions of establishments, etc.; manufacture, etc., prohibited; deemed to exist, when.*—The floors, walls, ceilings, furniture, receptacles, implements, and machinery of every establishment or place where food is manufactured, packed, stored, sold, or distributed, and all cars, trucks, and vehicles used in the transportation of food products, shall at no time be kept in unclean, unhealthful and insanitary condition, and for the purpose of this chapter unclean, unhealthful, and insanitary conditions shall be deemed to exist if food in the process of manufacture, preparation, packing, storing, sale, distribution, or transportation is not securely protected from flies, dust, dirt, and so far as may be deemed necessary by all reasonable means from all other foreign or injurious contamination; and if the refuse, dirt, and the waste products subject to decomposition and fermentation incident to the manufacture, preparation, packing, storing, selling, distributing, and transporting of food are not removed daily; and if all trucks, trays, boxes, baskets, buckets, and other receptacles, chutes, platforms, racks, tables, shelves, and all knives, saws, cleavers, and other utensils and machinery used in moving, handling, cutting, chopping, mixing, canning, and all other processes are not thoroughly cleaned daily, and

if the clothing of operatives, employees, clerks, and other persons therein employed is unclean.

SEC. 176. *Interior construction, finish, and condition of bakeries, etc.*—The walls and ceilings of every bakery, confectionery, creamery, cheese factory, hotel, and restaurant kitchen shall be well plastered, wainscoted, or ceiled with metal or lumber, and shall be oil painted or kept well lime washed, and all interior woodwork in every bakery, confectionery, creamery, cheese factory, hotel, or restaurant kitchen shall be kept well oiled or painted with oil paints, and be kept washed clean with soap and water; and every building, room, basement, or cellar occupied or used for the preparation, manufacture, packing, storage, sale, or distribution of food shall have an impermeable floor made of cement or tile laid in cement, brick, wood, or other suitable nonabsorbent material which can be flushed and washed clean with water.

SEC. 177. *Screen doors and windows, when.*—The doors, windows, and other openings of every food producing or distributing establishment during the fly season shall be fitted with self-closing screen doors and wire window screens of not coarser than 14-mesh wire gauze.

SEC. 178. *Toilet rooms; construction; lavatories and wash rooms; supplied with; maintained; operatives, etc., shall wash hands, when.*—Every building, room, basement, or cellar occupied or used for the preparation, manufacture, packing, canning, sale, or distribution of food shall have convenient toilet rooms separate and apart from the room or rooms where the process of production, manufacture, packing, canning, selling, or distributing is conducted. The floors of such toilet rooms shall be of cement, tile, wood, brick, or other nonabsorbent material, and shall be washed and scoured daily. Such toilet or toilets shall be furnished with separate ventilating flues or pipes discharging into soil pipes, or on the outside of the building in which they are situated. Lavatories and wash rooms shall be adjacent to the toilet rooms, and shall be supplied with soap, running water, and towels, and shall be maintained in a sanitary condition. Operatives, employees, clerks, and all persons who handle the material from which food is prepared, as the finished product, before beginning work, or after visiting toilet or toilets, shall wash their hands and arms thoroughly in clean water.

SEC. 179. *Cuspidors provided and cared for; expectoration on floor or walls forbidden.*—Cuspidors for the use of operatives, employees, clerks, or other persons shall be provided whenever necessary, and each cuspidor shall be thoroughly emptied and washed out daily with disinfectant solution, and 5 ounces of such solution shall be left in each cuspidor while it is in use. No operative, employee, or other person shall expectorate on the floor or walls of any building, room, basement, or cellar where the production, manufacture, packing, storing, preparation, or sale of any food is conducted.

SEC. 180. *Living or sleeping in workrooms of bakery, etc., prohibited.*—No person or persons shall be allowed to live or sleep in any workroom of a bakery, kitchen, dining room, confectionery, creamery, cheese factory, or place where food is prepared for sale, served, or sold.

SEC. 181. *Persons affected with certain diseases not to work in buildings, etc., occupied or used for production, etc., of food.*—No employer shall require, or permit or suffer any person to work, nor shall any person work, in a building, room, or basement, cellar, or vehicle occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution, and transportation of food who is affected with any venereal disease, smallpox, diphtheria, scarlet fever, yellow fever, tuberculosis or consumption, bubonic plague, Asiatic cholera, leprosy, trachoma, typhoid fever, epidemic, dysentery, measles, mumps, German measles, whooping cough, chicken pox, or other infectious or contagious disease.

SEC. 182. *Health officer, etc., has power to enter buildings, etc., to inspect; duties when article is being violated; city attorney to prosecute; health officer may issue notice*

to abate, etc.; person receiving may appear to give reason why notice, etc., shall not be obeyed.—The health officer of the city of Houston, or other agents of the board of commissioners shall have full power at all times to enter every building, room, basement, or cellar occupied or used or suspected of being occupied or used for the production for sale, manufacture for sale, storage, sale, distribution, or transportation of food, and to inspect the premises and all utensils, fixtures, furniture, and machinery used as aforesaid, and if upon inspection any food-producing or distributing establishment, conveyance, employer, operative, employee, clerk, driver, or other person is found to be violating any of the provisions of this article, or if the production, preparation, manufacture, packing, storing, sale, distribution, or transportation of food is being conducted in a manner detrimental to the health of the employees and operatives, or the character or quality of the food therein produced, manufactured, packed, stored, sold, distributed, or conveyed, the health officer or the inspector making the examination or inspection shall furnish evidence of said violation to the city attorney, who shall prosecute all persons violating any of the provisions of this article: *Provided, however,* That as a constructive administration means, under this article, and for such purpose only, the health officer may issue notice to the person or persons in authority at the aforesaid establishment to abate the condition, or to make such improvements as may be necessary to abate it, within a period of such reasonable time as the health officer may direct. Such notice shall be in writing, and the person receiving such notice may, within five days from the issuance of the notice, appear in person or by attorney, before the health officer and the mayor of Houston, to give reason why such notice or instructions shall not be obeyed.

SEC. 183. *All places, etc., to be open to inspection; dealers in food products produced, etc., outside city, where sanitary inspection has been denied, subject to penalties.*—Any and all places producing, handling, transporting food for sale in the city of Houston, whether located in the city or not, shall, as a requisite for the sale of food in the city of Houston, be open to inspection as provided in this article. And any person who shall offer for sale in the city of Houston any food products which have been produced or handled outside of the city of Houston and concerning which sanitary inspection has been denied, as provided in this article, shall, upon conviction, be subject to the penalties provided for violations of provisions of this article.

SEC. 184. *Penalty.*—Any person, firm, or corporation or agents who violates any of the provisions of this article shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine of not less than \$10 nor more than \$100.

ART. 20. *City market, etc., regulating sanitary conditions of.*—SEC. 184a. *Condition stalls, etc., in; must be conducted how; unsound and unwholesome articles, etc., not to be offered for sale in; screens to be erected; power and duty of health officer; city attorney to prosecute.*—Each and every stall in the city market, and each and every place where any foodstuff is offered for sale or distribution, shall be properly lighted, drained, and ventilated; and each of said places shall be conducted with a strict regard to the sanitary and health conditions of the city, and no meat, fish, fowls, vegetables, fruit, or products of any kind shall be offered for sale in said market house that is not wholesome and sound; and all necessary screens shall be erected in and through the market house to protect the food products offered for sale therein from dust and flies.

The health officer of the city of Houston shall have full power at all times to enter any stall or place in the city market where foodstuff is offered for sale or assembled for distribution, and shall have the right to inspect said premises and all utensils, fixtures, furniture, and machinery used in connection therewith; and if upon investigation any food products or substances offered for sale is found to be unsound or unclean and not good and wholesome food, or if said stall is conducted in a manner detrimental to the health and comfort of the citizens of Houston, the said health officer or inspector making the inspection or examination shall furnish evidence of said violation to the city attorney, who shall prosecute all persons violating any of the provisions of this article.

SEC. 185. *Penalty.*—Any person, firm, corporation, or agent who violates any of the provisions of this article, shall be guilty of a misdemeanor, and shall be punished by fine of not less than \$5 nor more than \$50.

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ART. 22. *Milk and food products, condemnation of.*—SEC. 191. *Health officer, etc., to tag adulterated milk, etc.; removal forbidden; penalty.*—Whenever the health officer, or any of his employees, shall find any article of milk, meat, or other food which is adulterated within the meaning of this chapter, or any other article or substance which is detrimental to public health, such article shall be tagged or otherwise properly marked, giving notice that the product is suspected of being adulterated or detrimental to public health, and warning all persons not to remove the same until given permission by the health officer or the courts, and it shall be unlawful for any person or persons, firm, or corporation, to remove or otherwise dispose of same, in violation of this section, and any person or persons, firm, or corporation doing so shall be fined not less than \$10 nor more than \$50.

SEC. 192. *Notice borne by tag; procedure to condemn.*—Such tag or notice shall give notice that the article has been quarantined. The health officer or his employees shall then petition the judge of the corporation court for the condemnation and destruction of any such product. The owners or defenders of any such product or property shall be given the right to a hearing, first before the health officer, if they so desire, and before the court. The notice of a hearing to be before the health officer shall also state the length of time within which such hearing may be had.

SEC. 193. *Disposition of property if finding is with health officer.*—In case the finding of a court is with the health officer, the article shall be destroyed by the health department, at the expense of the owner of the property, or by the owner of the property under the supervision of the health department, and in such case all other costs shall be taxed against the owners or defenders of the property, if such appear, or shall be collected, if no one appear, against the owner or agent properly ascertained.

ART. 23. *Permits, miscellaneous.*—SEC. 194. *Permits necessary to bring into city certain fresh food products; also to operate places where such is produced, etc.; also to operate soda fountains, etc.; how issued; shall be revoked when; notice; revocation; permits issued annually; penalty.*—No person, firm, or corporation or agents, shall bring any fresh meat, poultry, fish, ice cream, or other fresh meat or meat product into the city of Houston for sale without a permit so to do from the health officer; and no person shall operate any place where fresh meat, poultry, fish, ice cream, or other fresh meat or meat product is produced, prepared, kept, offered for sale or sold, in the city of Houston, or any soda fountain, pop, or other bottling factory, or other place where foods are produced, prepared, stored, kept, or offered for sale, except foods which, from their method of packing, and by reason of handling in original packages, are not subject to contamination, without a permit so to do from the health officer. Such permit shall be issued annually by the health officer, free of charge, subject to the approval of the board of health and the board of commissioners, and only upon the health officer, board of health, and the board of commissioners being satisfied that the place where any such products are being produced, stored, kept, or offered for sale, is operated and maintained in a condition as provided for in other provisions of this chapter, and that such place has the equipment and method necessary for the maintenance of sanitary conditions throughout. And whenever such sanitary conditions, as provided in this ordinance, shall be found not to exist, such permit shall be revoked: *Provided, however,* That before the revokal of such permits the party or parties at interest be given a notice of the conditions complained of, together with statement of a time within which the conditions shall be corrected, and, if, after such notice, conditions are not corrected, then shall the permit be revoked, but the party or parties at interest shall have the right to appeal to the board of health, the board of

commissioners, and to the courts. Such permit shall be renewed annually on the first day of April to be valid, and the payment of any license fee to the city of Houston shall not entitle the holder of such license to operate any business for which a sanitary permit is required in this chapter, unless such party or parties also comply with the conditions necessary for the sanitary permit. Any person, or persons, firm, or corporation or agents, bringing for sale in the city of Houston, or selling any such products as mentioned in this section without a permit so to do, or after such permit shall have been revoked, shall, upon conviction, be fined not less than \$10 nor more than \$100 for each offense, and each day's time shall constitute a separate offense.

ART. 24. INSPECTION (MISCELLANEOUS).—SEC. 195. *Slaughterhouses; animals for slaughter, etc., and meats sold.*—The health officer and the meat and milk inspector, acting under his direction, in addition to the inspections provided for in this chapter, shall inspect all slaughterhouses slaughtering meat for sale in the city of Houston. And, until the city provides, by a municipal abattoir, or other means, for meat inspection, shall, as far as possible, inspect all animals intended for slaughter and for sale in the city of Houston, and carcasses of same, and all meats sold in the city of Houston, under the meat inspection rules and regulations as adopted under the law by the State board of health, and the director of the Texas Agricultural Experiment Station, with respect to such inspections and the provisions of this chapter applying.

SEC. 196. *Samples to be delivered; duties of health officer, etc., with reference to; shall not be tampered with.*—Dairymen and other food dealers, on being tendered the market price, shall deliver to the health officer or other authorized agents of the city of Houston, a sufficient sample of food for examination under this chapter. Such health officer, or other authorized agents, shall take or know that there has been taken a sample which is representative of the food as actually sold on the market. No dairyman or other food dealer shall treat or in any way tamper with any sample of food delivered to such health officer, or agents, or in any way provide a sample of milk or other food so treated or tampered with as to have the examination and analysis not show the actual condition of the product as sold in the market. The work of the inspection and examination under this chapter shall in no way be employed so as to give special advantage to any individual or any firm in the sale of foods. The inspectors, bacteriologists, chemists, and others operating under this chapter shall, as far as possible, help any dairyman or food dealer in locating the cause of trouble; but any such help or assistance shall not be used for private advertisement, except in cases where the certificate of the health officer is required to certify that a product or process is clean and wholesome. All such help or assistance given one individual or firm shall likewise be at the service of all individuals or firms.

SEC. 197. *Penalty.*—Any person, firm, or corporation, or agents, violating any part of the next preceding section, shall upon conviction be fined not less than \$50 nor more than \$100; and in the case of the dairyman or food dealer, in addition to such fine, he shall be refused a permit to do business in the city of Houston; and in the case of an employee or agent of the city of Houston, in addition to such fine, he shall be discharged from such agency or employment.

SEC. 198. *Unlawful to prevent or resist board of health, etc., from entering building, etc.; penalty.*—It shall be unlawful for any person or persons to prevent the board of health, or any member thereof, chief of police or any of his subordinates, city health officer, or any health inspector from entering into any building or inclosure for the purpose of performing and executing any of the powers and duties conferred and enjoined upon said officers, or either of them, by this chapter, or to resist any of said officers in the execution of any of the provisions hereof. Any person offending against any of the provisions of this section shall, upon conviction thereof, be punished by a fine not exceeding \$50 nor less than \$10.

ART. 25. *Construction.*—SEC. 200. *"Person," how construed.*—The word "person" as used anywhere in this chapter shall be construed to mean any person, persons,

firm, or corporation or agent who shall commit, or be responsible for the committing, of any acts which are made unlawful therein.

Cold Storage—Regulation of. (Ord. Jan. 26, 1914.)

ART. 21. SEC. 186. *Cold storage meats, etc., to be branded; meaning term "cold storage."*—All cold-storage meats, eggs, poultry, fish, ice cream, and other cold-storage animal products shall be plainly labeled or branded to show the facts of cold storage to the consuming public. The term "cold storage" shall be construed to mean the storing and preservation of food products by cold. Except, however, such labeling and branding shall not be necessary where the ice or refrigeration is incident to the preservation of the fresh, unstored product from the producer to the customer, and without unnecessary delay.

SEC. 187. *Must have efficient icing arrangements; handling of.*—No retailer shall handle cold-storage products, or other products required to be preserved with ice, without efficient icing arrangements or refrigeration therefor. All such products shall not be exposed to warm temperature, and shall be handled as otherwise specified in the sanitary provisions of this chapter and the laws of the State.

SEC. 188. *Products once removed from and sent back can not be sold; cold-storage foods shall be delivered directly; sale of certain products prohibited.*—No product shall be served or sold in the city of Houston which has been once removed from cold storage and exposed to the retail markets for sale and sent back into cold storage; this to include turkeys, chickens, and similar products which, taken out, for example, for the Thanksgiving and other markets, and exposed in the retail market, and which, not being sold, are returned to storage for the Christmas or other markets. Cold-storage foods shall be delivered direct from cold storage, through proper facilities and sanitary conditions in the retail market, to the consuming public, and the sale of any such product which has been subjected to any condition which would render it contaminated, unwholesome, or unfit for food, shall be prohibited.

SEC. 189. *Signs and labeling of products of; representations as to products.*—The signs and labeling, as specified herein, shall obtain with respect to products coming into Houston, between the producer or packer and the wholesale trade, between the wholesale trade and the general public. Restaurants and hotels supplying such stored products shall display signs on the menu, or otherwise, to that effect. No product shall be sold as "fresh," "strictly fresh," or "from the country," or by similar description which is a stored product or which is not as represented; nor, on the other hand, shall any product be sold as a cold storage when such is not the case, or which has been so exposed or kept as to deteriorate in quality after leaving cold storage, but shall have such additional facts stated on the signs and labeling in the manner as may be directed by the board of health.

SEC. 190. *Penalty.*—Any person, firm, or corporation or agents who violates any of the provisions of this article, shall be guilty of a misdemeanor, and upon conviction, shall be punished by a fine of not less than \$10 nor more than \$100.